

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. When the Department learned of his new benefits, the petitioner's eligibility for Food Stamps was redetermined. The petitioner's unearned VA disability benefit of \$749.00 was

used and he was allowed two deductions. The first was a \$134 standard deduction which reduced his countable income to \$615.00. The second was a \$205.47 shelter and utility allowance which was calculated by comparing the petitioner's entire shelter expense component of \$536 (\$200 for rent and \$336 for utilities²) to his adjusted income of \$615. The shelter deduction is equal to the amount by which the expense component is over half of the petitioner's adjusted income ($\$536 - 307.50 = \228.50). After the petitioner received that final deduction his countable income was determined to be \$386.50 ($\$615 - \228.50).³

3. The petitioner was notified on June 27, 2000 that his food stamps would be \$10 per month based upon his net countable income. That amount was later corrected to \$11 per month based on some corrected calculations. The change was to go into effect on August 1, 2000.

¹ The actual gross amount of the benefit is \$795.05 but the petitioner's Medicare payment of \$46.00 per month is deducted from the amount sent to him.

²A standard deduction of \$336 was given to the petitioner for utilities although his actual utility expenses are about \$175 per month.

³The Department's original redetermination in this matter was actually slightly different from this amount since it counted all of the petitioner's income. The redetermination discussed here is PATH's final redetermination which attempted to correct the prior error at the time of the petitioner's hearing.

4. The petitioner appealed that decision because he does not feel he is getting enough food stamps. He asks for further deductions but reported no further countable expenses such as uncovered medical expenses over \$35 per month or dependent care expenses. The petitioner's disagreement with his Food Stamp amount is largely based on his belief that others who are financially better off than he is receive larger benefit amounts.

ORDER

The decision of the Department is affirmed.

REASONS

The Food Stamp program requires that all unearned income, including Veteran's disability benefits, be counted when Food Stamp eligibility is determined. F.S.M. § 273.9(b)(2). The regulations provide further that deductions shall only be allowed for six kinds of household expenses: a standard deduction, a deduction from earned income, an excess medical deduction, a dependent care deduction, an excess shelter deduction and a child support payment deduction. F.S.M. § 273.9(d).

The petitioner received the standard deduction of \$134 (F.S.M. 273.9(d)(1), Section P2590(A)) and an excess shelter deduction which was calculated according to the requirements at 273.9(d)(5). The petitioner has not presented evidence that he is eligible for any of the other deductions as he has no children in his care and does not pay child support to anyone else. The petitioner is potentially liable for the excess medical deduction if he has at least \$35 per month in medical expenses not covered by his health insurance. F.S.M. 273.9(d)(3). However, he presented no evidence that this is the case.

It must be concluded that the petitioner has received all of the deductions to which he is entitled. His net countable income of \$386.50 entitles him to \$11.00 under the Food Stamp allotment tables.⁴ P-2590 D5. As the Department's decision is in accord with its regulations, the Board is bound to affirm its decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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⁴ Under new figures adopted by the Department on October 1, 2000, the petitioner's income would entitle him to \$14 per month. If the petitioner has not been informed of that increase, he should contact his worker at PATH.